

Cautionary tales: it takes all sorts



Richard Barr recalls some defining moments from 30 years in practice including experiences with overly appreciative, apologetic and furious clients



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We had been acting for a small building company that was being sued over building work carried out many years earlier. Defeat would have meant ruin for the two surviving directors.

Against us, we had one of the largest and most powerful firms of solicitors in London. However, they didn't do their homework as thoroughly as we did and didn't check the company's register: the company had not been formed when the work was done.

We could not tell them that because they would have sued the individual clients personally.

It was only on the day of the trial that we told them that the company had not built the properties. It was fun to watch all the other side's barristers flapping around like seagulls. We settled the case on terms that were far more favourable than anyone would ever have dared hope for.

Afterwards, one of the directors came to see me. With tears in his eyes, he said he could never thank me enough, then thrust a £50 note into my hand as a token of his appreciation.

Later, the other director made an appointment to see me. Once again he told me how grateful he was and how I had saved him from ruin. The speech lasted several minutes. I was becoming eager and embarrassed.

Then he stood up and put his

hand in his pocket. I waited in anticipation. "Well," he said, "I must be getting along now." He pulled a handkerchief out of his pocket, blew his nose and left.

That was a lesson to me not to be so greedy.

Too busy

Another time, I was standing in for a partner who was on holiday. It was Monday and one of her clients rang at 8.30am, wanting to see someone that day.

"We're all very busy at the moment," I told her pompously, "Can't we talk about it on the telephone?"

She replied: "You're not busy on my case. I will telephone you at noon." Then hung up, leaving me staring stupidly at the buzzing telephone.

The client arrived at noon. She was not only nice but also very right to insist on seeing me and soon we were apologising to each other. We sorted out a lot of her problems and she ended by thanking me profusely for being so helpful.

Now, if I'd been helpful to her at 8.30am, Monday morning would no doubt have gone a lot better.

Parents' wrath

If you do 99 things well but one badly, it is almost certain that your cock-up will outweigh all of the good.

I demonstrated that to perfection when defending Trevor and Glyn, two teenagers who had admitted breaking into and stealing from a couple of schools.

The social enquiry reports indicated that Glyn was unlikely to get into further trouble but Trevor might. Representing both, I had to tread carefully because I couldn't say that one should be punished more severely than the other.

I started well and played up the concern of the parents, the investigations, the good qualities of the boys and I even coped well differentiating between the two.

I suggested a different approach was needed for each boy and talked in terms of "help" and "support" for Trevor.

Then, apparently, I said Trevor should have a slightly more serious punishment than Glyn. That was it. When the magistrates retired, his parents couldn't contain their fury.

"You did that prosecutor's job for him. There's no point in having a solicitor if that's all you can say," said the father.

The magistrates showed common sense and gave both boys the same sentence, but I have no doubt that, every time they see a TV show criticising lawyers, Trevor's parents still say to each other: "Yeah, too bloody right. They're all useless." **SJ**